

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 16, 2005

Division: County Attorney's Office

Bulk Item: Yes ☐ No ☒

Staff Contact Person: Bob Shillinger

AGENDA ITEM WORDING:

Discussion of settlement options in *Monroe County v. Mark Fraleigh*.

ITEM BACKGROUND:

Mark Fraleigh purchased structures that encroach on the County's right-of-way on Card Sound road in 2003 for @ \$125,000.00. The County had sued the prior owner and now Mr. Fraleigh to remove the structures from the right-of-way. The structures consist of a stilt house, with boat slips beneath, fencing, landscaping, a pavilion, decking, and dockage. Only a small portion of the structures are located on the County's right-of-way. The balance is located over state owned submerged lands.

Fraleigh has indicated a willingness to donate the structures to the County and/or the state for public or governmental use. His motivation is a potential tax write off. Staff is currently exploring potential uses of the structures; however, if no uses are compatible with existing state and county regulations, demolition would be required. If the County assumed ownership over the structures, it would likely have to bear the expense of demolition.

PREVIOUS RELEVANT BOCC ACTION:

In August 2004, the Board rejected Fraleigh's offer to sell his structures to the County for \$125,000.00.

CONTRACT/AGREEMENT CHANGES: n/a

STAFF RECOMMENDATIONS:

Approval of authority to negotiate settlement.

TOTAL COST: unknown **BUDGETED:** Yes ☐ No ☒

COST TO COUNTY: unknown **SOURCE OF FUNDS:** _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty *[Signature]* OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:

[Signature] 01/31/05
J. R. Collins

DOCUMENTATION: Included ☐ Not Required ☒

DISPOSITION: _____

AGENDA ITEM # _____